

Notice of Allowability

Application No.

09/316,908

Examiner

Joseph R. Pokrzywa

Applicant(s)

KISONO, MASAHIRO

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 10/27/04.
2. ☒ The allowed claim(s) is/are 1-20 (renumbered as claims 1-5, 7-12, 14-19, 6, 13 and 20, respectively).
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Joseph R. Pokrzywa
Examiner
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DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 10/27/04, and has been entered and made of record. Currently, **claims 1-20** are pending.

Allowable Subject Matter

2. **Claims 1-20** are allowed (**renumbered as claims 1-5, 7-12, 14-19, 6, 13, and 20, respectively**).

3. The following is an examiner's statement of reasons for allowance:

Regarding ***claims 1, 6, and 12 (renumbered claims 1, 7, and 14, respectively)***, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have the client data terminal, as claimed, include generating the facsimile image in accordance with the stored information set of communication capabilities pertaining to the called data terminal, in order for the facsimile image to have facsimile image properties which are acceptable to the called data terminal.

The closest prior art, previously noted as Westwick *et al.* (U.S. Patent Number 5,828,836), Suzuki (U.S. Patent Number 6,005,677), and Owens *et al.* (U.S. Patent Number 6,633,630), and the newly cited reference of Menezes *et al.* (U.S. Patent Number 5,621,894), each fail to expressly disclose each of the claimed limitations. Particularly, both Westwick and Suzuki fail to disclose generating the facsimile image in accordance with the stored information set of communication capabilities that pertain to the called data terminal, so as to have the

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facsimile image acceptable image properties to the called data terminal. Owens teaches of generating an image in order for the image to have properties that are acceptable to the called data terminal. However, Owens fails to teach of generating the facsimile image in order for the facsimile image to have **facsimile image properties**, which are acceptable to the called data terminal, as required in the current language. Menezes discloses a system that communicates capability information between a facsimile sending device and a facsimile receiving device using facsimile protocol signals (see Figs. 3 and 4). Further, Menezes teaches of generating a facsimile image in accordance with the stored information set of communication capabilities pertaining to the called data terminal, in order for the facsimile image to have facsimile image properties which are acceptable to the called data terminal (read in column 7, line 12-column 8, line 67).

However, although Menezes does teach of using a LAN or a telephone line (column 6, lines 50-67), Menezes lacks teaching of creating on the client data terminal an information transfer request for requesting transmission of the facsimile image information to an arbitrary facsimile machine connected to the public telephone network, sending the information transfer request to a communications controller, and upon a completion of the sending, transmitting the information transfer request from the communications controller to the called data terminal through the LAN. Further, the examiner finds no motivation to combine Menezes with the other cited references, particularly Suzuki, since the inventions are divergent in subject matter. Suzuki's primary goal is drawn to a system for transmitting facsimile data over the Internet.

Therefore, because of these reasons, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

4. The drawings filed on 11/3/03 are acceptable by the examiner.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Menezes *et al.* (U.S. Patent Number 5,621,894) discloses a system that exchanges facsimile capabilities using facsimile protocol signals.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
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A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa", written in a cursive style.

jrj